

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
May 7, 2015

Chairman G. Borgman called the meeting to order at 5:30 p.m.

ATTENDANCE: G. Borgman, W. Krick, B. Arthur, E. Simmons, R. Mackie, B. Turnquist

ABSENT: K. Kolberg, excused

STAFF: H. Mitchell; J. Lewis, Public Safety Director; K. Murar, SAFEbuilt; T. Hanson, SAFEbuilt; D. Renkenberger

OTHERS: M. Olejarczyk, 690 W. Southern; R. Mishra, 4534 Frontier Ave, Portage MI; H. Ferrari, 883 Fennwood Cir; S. Magalei, 4265 Grand Haven Rd; W. Hill, 1370 Sanford; G. Hall, 3224 Wickham Rd; M. Cruz, 617 Orchard; P. Dennie, PO Box 1784; E. Trejo, MPD.

Meeting Minutes:

A motion to approve the regular meeting minutes of April 2, 2015 was made by R. Mackie, supported by W. Krick and unanimously approved.

Board members agreed to hear new business case EN130182 first since a translator was present to assist, and case 390 W. Dale at the end of old business, so a representative for the company could be present.

New Business:

EN150412 – 1584 Smith St. (garage only) – Miriam Cruz, 617 Orchard, Muskegon, MI 49442. A Notice & Order was sent on 3/27/15 for the garage only. On 4/21/15 the owner went to SAFEbuilt and stated that she wanted to fix the garage. She was advised to attend this meeting. She is aware that she will need a building and an electrical permit. A Trades inspection was performed 5/4/2015. The owner submitted a permit application on 5/6/15 to repair the garage per the dangerous building requirements. The 2013 winter and the 2014 summer & winter taxes are delinquent.

G. Borgman asked M. Cruz about her plans for the structure, and if she had met with a building inspector yet to set up a schedule for repairs. Through the translator, she stated that she wanted to repair the garage and had met with an inspector. T. Hanson stated that he had met with the homeowner on site to explain what would need to be done to repair the garage. He stated that the owner had been cooperative, and had obtained a permit and purchased materials. G. Borgman asked for staff's recommendation. T. Hanson stated that the permit was good for 180 days, and recommended that the owners be given that time to get the work done and that no further enforcement action be taken.

A motion to refer this case back to SAFEbuilt staff to ensure work was completed, and for them to determine if it was necessary to return to the HBA in the future, was made by R. Mackie, supported by W. Krick and unanimously approved. G. Borgman advised Ms. Cruz to stay in touch with SAFEbuilt staff. J. Lewis stated that 180 days would be about the November meeting, so she would have to return then if she did not comply with the timeline.

Old Business:

EN130182 – 1780 Jarman St. – Linda Jones, 1676 Pine St., Muskegon, MI 49442. This case was tabled from the April meeting, and L. Jones was directed to contact SAFEbuilt to provide a list of work to be done, a timeline, and an estimate of repair costs. K. Briggs performed a walk-through on 4/9/2015 and an updated timeline was submitted. The 2014 taxes were still delinquent.

K. Murar stated that L. Jones had presented an acceptable timeline and was making progress. He was willing to continue working with her and suggested that the board impose a timeline in case progress stalled.

A motion to table this case for 180 days or until the November meeting to see how work progresses and if further action is needed, was made by B. Arthur, supported by E. Simmons and unanimously approved, with with G. Borgman, W. Krick, B. Arthur, E. Simmons, R. Mackie voting aye.

EN150188 – 1075 Washington Ave. – Bonatesta SPA LLC, 883 E Fennwood Cr, Muskegon, MI 49445. There had been a fire at this house in September of 2014. This case was tabled from the April meeting so the owner, H. Ferrari, could have a Trades inspection done and come up with a timeline and reasonable costs for the repairs prior to this meeting. Mr. Ferrari had previously been unable to access the property due to bankruptcy proceedings, but staff received notification that the bankruptcy was now discharged and signed by a judge on 4/7/2015. On 4/27/15, the owner scheduled a Trades inspection for 5/4/15. A second fire recently did further damage to the structure. Property taxes are current.

T. Hanson stated that he had inspected the property and prepared a list of repairs needed, but there was a second fire since then. K. Murar stated that, if the building was declared, no action could be taken until after the Fire Marshall finished his investigation. H. Ferrari stated that there was currently an arson investigation in process and he was unable to access the property again due to that. T. Hanson stated that, in his original investigation report, he recommended that the property be demolished. K. Murar suggested that the board declare the structure, and the demolition permit would be delayed until the Fire Marshall made his determination. E. Simmons asked Mr. Ferrari if he had done any improvements to the building after the first fire. H. Ferrari explained the issues with his access to the building due to bankruptcy proceedings. W. Krick asked if the building was salvageable. T. Hanson stated that, in his opinion, it would not be cost effective to repair the building.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick and supported by R. Mackie. H. Mitchell reminded the board and applicant that the Fire Marshall must release the building before any demolition action could be taken. B. Dodge suggested that the board continue with the demolition recommendation and proceed to the next step with the City Commission. J. Lewis stated that this would go to City Commission at their June 30 meeting. H. Ferrari asked who his attorney should speak to. J. Lewis advised Mr. Ferrari to have his attorney contact him and he would explain the process. A vote was taken on the motion to declare and was unanimously approved.

EN150273 – 1280 Sanford St. – JM Diamond, LLC, 13721 West 59th Ave, Arvado, CO 80004. This case had been tabled at the April meeting and the owner was to work with SAFEbuilt on a detailed timeline with reasonable cost estimates, and obtain permits for the repairs. Per K. Briggs, a timeline was submitted but it lacked a lot of the repair details and true costs. The timeline and SAFEbuilt inspection report was provided to board members. The 2014 summer taxes were paid but the 2014 winter taxes were still delinquent.

G. Borgman asked why the taxes had not been paid. S. Magalei stated that the property owners lived out of state and they had had problems with the online payment system. G. Borgman asked SAFEbuilt staff what the status was. K. Murar stated that he had not received the timeline until just before 5:00 p.m. the day of the meeting and there was no time to review it in detail. However, he said it appeared that the applicant had just copied SAFEbuilt's inspection list, and some of the cost estimates seemed low, including the roof estimate. S. Magalei stated that they intended to repair the roof, not replace the entire thing. W. Krick asked why no further progress had been made in the 30-day time frame they were given at the last meeting. S. Magalei stated that they had been going back and forth with SAFEbuilt on some issues. K. Murar stated that they needed to choose a contractor and submit estimates, which should have been done. W. Krick suggested that the applicants be given another 30 days to get the required items turned in, since they were a new company in town. However, he did not expect any more last-minute submissions. S. Magalei reiterated that they were committed to their properties in Muskegon, and they had set up an inspection appointment with K. Murar. K. Murar stated that no one had showed up for the scheduled appointment. He stated that because this was an investment property, licensed contractors were required to do the work. He advised the applicant to be prepared for a detailed inspection of the roof, and that plumbing, mechanical, and electrical contractors would be required. J. Lewis stated that, if the applicant could comply with SAFEbuilt's requirements by June, he would not object to giving them another 30 days. K. Murar pointed out that the house had to be converted to a single family home due to zoning requirements (the property is zoned R-1, Single Family Residential, and has been vacant over two years); it had lost its non-conforming status as a multi-unit home. B. Turnquist asked the applicant at what point would they stop putting money into the home. S. Magalei stated that the investors had the means to fix the property, but they were not yet familiar with local processes. He expected to be able to complete the required repairs.

A motion that the owner or agent be given 30 more days to obtain SAFEbuilt's approval was made by W. Krick and supported by B. Arthur. As a point of order, R. Mackie suggested that the motion give until the next meeting and not 30 days as there is less than 30 days to the next meeting. W. Krick and B. Arthur agreed with the updated motion and a vote was taken and unanimously approved.

J. Lewis pointed out that the board had inadvertently skipped one case, which was heard next.

EN150272 – 1221 Sanford St. – Beverly Winters, 1953 Ray St., Muskegon, MI 49442. This case was tabled from the April 2015 meeting so the owner could schedule a Trades inspection with SAFEbuilt and create a timeline for repairs prior to this meeting. As of 4/27/15 there had been no inspection scheduled nor a detailed timeline submitted. The 2014 taxes are delinquent. The owner did not attend this meeting.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by R. Mackie and unanimously approved.

EN150274 – 1302 Sanford St. – Ramchandra Mishra, 4534 Frontier Ave., Portage, MI 49024. This case was tabled from the April meeting, with staff recommending that R. Mishra return to before the board with a progress report showing a timeline with reasonable cost estimates, with the expectation that the work will be completed by September 2015. There was a Trades inspection done and the inspection report was provided. A copy of the proposed timeline submitted was provided to the board as well as K. Brigg's e-mail correspondence with the owner. There are no delinquent taxes.

G. Borgman asked the applicant for an update on their progress. R. Mishra stated that his people

would be ready to start work next week if approved, and they were hoping for an August 15 completion date. T. Hanson stated that he reviewed the timeline and cost analysis, and recommended that the board table this case for 90 days and review the progress at that time, providing that permits were pulled and work was being accomplished.

A motion to accept staff's recommendation and table this case for 90 days, providing that permits are pulled and work is progressing was made by R. Mackie and supported by W. Krick. B. Arthur asked if the motion could be amended to state that the applicant would not have to come back before the board as long as they complied with the approved timeline and stays in contact with SAFEbuilt as the work progresses. Staff can bring this back to the board if the work isn't being completed. R. Mackie and W. Krick agreed with the amendment. A vote was taken on the amended motion and unanimously approved.

EN150275 – 1370 Sanford – Willie Hill Jr., P.O. Box 4056, Muskegon, MI 49444. A Trades inspection was completed on 4/8/2015, and the report was provided to board members. A timeline was submitted but K. Briggs had asked for more detail; at the time of this report, it had not been submitted.

G. Hall stated that he was assisting Mr. Hill with this process, and they needed more time to obtain bids. E. Simmons asked if they had done anything since the last meeting. Mr. Hill stated that he had started to clean up the yard. B. Turnquist asked if they had submitted a timeline for repairs to SAFEbuilt, as required. G. Hall stated that they had not. Mr. Hill stated that he would like to be allowed to do a little work at a time to keep it manageable and affordable. E. Simmons stated that the board could not continue to grant more time when no progress was being made. G. Hall stated that he had just recently gotten involved in the project, which is why he needed more time. K. Murar stated that the scope of the work was extensive, and rehabilitation costs would be in the tens of thousands of dollars. He didn't want Mr. Hill to start working without knowing the real costs for the required repairs and find it isn't feasible for him to complete. G. Borgman stated that it was important that Mr. Hill be aware of how much work would be involved in fixing this property. G. Hall stated that, if he was given 30 days to assess the repairs and come up with a cost estimate, it would help Mr. Hill decide if he wanted to continue making repairs to the property.

A motion to table this case until the June meeting so that a list of repairs and related costs can be established, was made by B. Arthur, supported by W. Krick and unanimously approved.

EN145698 – 690 W Southern Ave. (accessory structures only) – Marion Olejarczyk, 690 W Southern Ave., Muskegon, MI 49441. This case had been tabled at the 10/2/2014 and 11/14/2014 meetings so the owner could have a Trades inspection done with SAFEbuilt, obtain the necessary permits, and work on the repairs. If the repairs were not completed by April, 2015, the rest of the repairs would require a detailed timeline to present to the board for approval. On April 27, 2015 the applicant had submitted an application to repair the three accessory structures; however, no details were submitted with the permit application. The owner is allowed to maintain the structures where they are. However, should the owner remove one of the structures, it may not be rebuilt without a variance from the Zoning Board of Appeals, as the Zoning Ordinance only allows one accessory structure on residential properties. The 2014 taxes are still delinquent. Updated pictures of the accessory structures as of 4/24/2015 were provided and they matched the pictures that Kirk had taken 11/3/14.

M. Olejarczyk claimed that he was having a difficult time obtaining permits, and asked for a list of acceptable materials to use. K. Murar stated that the particle board currently on the sheds was not acceptable; as he stated previously, it had to be exterior grade materials. G. Borgman stated that

he did not see any change in the appearance of the structures. The board had given him ample opportunity to get the work done, but they had a responsibility to enforce the City code.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick, supported by R. Mackie and unanimously approved.

NEW BUSINESS:

EN150339 – 407 Marquette – Linda E Dennie-Malone Community Center, PO Box 174, Muskegon, MI 49443. Perry Dennie had owned the property when the HBA first declared it a dangerous building back on 5/6/2010. Due to lack of funds at that time, the City had not had the building demolished. The City Attorney recommended starting the demolition process over due to the time lapse. There is now a large hole in the back of the building. There has been no trades inspection done nor any permits obtained. The 2013 and 2014 property taxes are delinquent. A Notice & Order was sent on 3/27/2015.

P. Dennie stated that he wished to preserve the building, and presented a rendering of his plans to turn the building into a community center. G. Borgman asked if the taxes were paid. P. Dennie stated that he has been paying on them but they were not current. W. Krick asked why the building was still standing. J. Lewis explained that there was a lack of funds in the City's budget back when the building was first declared. The condition of the building has now deteriorated and it needs to come down. W. Krick stated that the building was obviously a danger, as there was a gaping hole in it making it accessible to anyone.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick, supported by E. Simmons and unanimously approved.

W. Krick asked P. Dennie why the building had not been secured it yet. P. Dennie stated that the wall of the building just collapsed in November. B. Turnquist asked Mr. Dennie what the property was zoned. P. Dennie believed it was zoned residential. B. Turnquist asked if there had been any communication with the applicant since 2010. H. Mitchell stated that Mr. Dennie had been in the Planning Department a couple years ago and discussed the issue. J. Lewis explained the superintending control procedures.

EN147746 – 1033 Kenneth (garage only) – Mark Thompson, 1033 Kenneth, Muskegon, MI 49442. A Notice & Order was sent on 3/27/15. The owner obtained a demolition permit on 4/24/15, expiring on 10/21/15. Staff would like to continue the process to declare the structure so this will not need to come back to the board, should the owner not follow through with the demolition. The 2013 and 2014 property taxes are delinquent.

A motion to declare the structure substandard, dangerous and a public nuisance was made by W. Krick, supported by E. Simmons and unanimously approved.

Old Business:

EN146341 – 390 W. Dale – Vita Investments, 13650 172nd Ave., Grand Haven, MI 49417. This case had been tabled at the 11/6/2014 meeting so that either 1) the Land Contract seller may obtain ownership from the Land Contract Buyer, 2) the Land Contract Seller may look into selling to the adjacent property owner for demolition (by either party), or 3) the Land Contract seller may obtain a trades inspection from SAFEbuilt, come up with a defect list and submit a detailed timeline for the repairs to staff no later than April 21, 2015. There have been no other sales of this property nor has a Trades inspection been performed. A Deed in Lieu of Foreclosure was filed with the

Register of Deeds Office on 3/12/2015 placing the property back into the ownership of Vita Investments Inc. The 2014 Winter taxes are delinquent.

This case was taken out of order as shown on the agenda and heard last at the request of the property manager, K. Doyon, because he had a previous appointment that kept him from getting to the meeting at 5:30. However, at the end of the meeting there wasn't anyone to represent the property.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by R. Mackie and unanimously approved.

There being no further business, the meeting was adjourned at 7:07 p.m.